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Application No.: 10/673,659

Inventor(s): Stelljes, Jr., et al.


Filed: September 29, 2003

Docket No.: 9372

Confirmation No.: 2454

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(FAX-USPTO.doc Revised 11/18/2005)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/673,659
Applicants: Stelljes, Jr., et al.
Filed: September 29, 2003
Title: EMBOSSED MULTI-PLY FIBROUS
STRUCTURE PRODUCT AND PROCESS
FOR MAKING SAME
TC/A.U.: 1774
Examiner: D. J. Loney
Conf. No.: 2454
Docket No.: 9372
Customer No.: 27752

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REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF UNDER 37 CFR 41/37

Commissioner for Patents
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Dear Sir:

This is in response to the Office Communication dated May 16, 2006 (copy enclosed), which states that Applicants' Appeal Brief filed on February 21, 2006 is considered non-compliant since the Brief does not contain new heading sections Evidence Appendix and Related Proceeding Appendix.

Applicants apologize for any inconvenience this omission may have caused the Office and enclose herewith the missing heading sections which, together with the aforementioned Appeal Brief filed on February 21, 2006, now constitute a complete filing of the Appeal Brief.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY.

By Betty J. Zea
Betty J. Zea
Attorney for Applicants
Registration No. 36,069
(513) 634-5392

May 19, 2006
Customer No. 27752

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P.01/02



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,659	09/29/2003	Michael Gomer Steljes JR.	9372	2454

27752 7590 05/16/2006

THE PROCTER & GAMBLE COMPANY
 INTELLECTUAL PROPERTY DIVISION
 WINTON HILL TECHNICAL CENTER - BOX 161
 6110 CENTER HILL AVENUE
 CINCINNATI, OH 45224

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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DATE REC'D: MAY 18 2006

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P.02/02

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/673,659

Applicant(s)

STELLJES ET AL.

Examiner

Donald Loney

Art Unit

1772

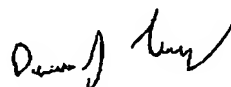
-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

The Appeal Brief filed on 21 February 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The Brief does not contain the new heading sections: Evidence Appendix and Related Proceedings Appendix.


Donald Loney
Primary Examiner
Art Unit: 1772

U.S. Patent and Trademark Office
PTOL-462 (Rev. 7-05)

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)

Part of Paper No. 04202005

TOTAL P.02

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Appl. No. 10/673,659
Atty. Docket No. 9372
Appeal Brief dated February 21, 2006
Reply to Office Action of November 3, 2005
Customer No. 27752

EVIDENCE APPENDIX

Appl. No. 10/673,659
Atty. Docket No. 9372
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RELATED PROCEEDINGS APPENDIX